

greater flexibility in the test methods without affecting the validity of the test results. In 9 CFR 113.135(c), detailed fluorescent antibody test procedures would be deleted. The proposed revision would permit flexibility in selecting a test system. Reference to a safety test utilizing swine as test animals and another safety test utilizing sheep as test animals would be added to 9 CFR 113.135(b). These tests were recently codified in the Standard Requirement and would be incorporated to update this section. When moisture content is maintained at a consistent level as stated in the Outline of Production and tested by the method specified in 113.29, it is only one factor in evaluating stability of the product. Methods for adequately determining overall stability of biological products are prescribed in 9 CFR 114.13. Therefore, for these reasons it is proposed to delete 9 CFR 113.135(e) (i) and (ii).

These proposed amendments have been developed over a period of years in cooperation with interested members of the scientific community and, for the most part, have been utilized by industry either as accepted requirements or as proposals under development. These proposed amendments would codify in Part 113 these methods, procedures, and criteria established by Veterinary Services for evaluating biological products to be pure, safe, potent, and efficacious. Codifying in the Standard Requirements would make them available to the industry and the general public.

List of Subjects in 9 CFR Part 113

Animal biologics.

PART 113—STANDARD REQUIREMENTS

Part 113 would be amended by revising § 113.135 (b), (c) and (e) to read:

§ 113.135 General requirements for live virus vaccines.

(b) *Safety tests.* Samples of each lot of Master Seed Virus and final container samples of completed product from each serial or first subserial of live virus vaccine recommended for animals other than poultry shall be tested for safety in at least one species for which the vaccine is intended using methods described in §§ 113.39, 113.40, 113.41, 113.44, and 113.45 or in a filed Outline of Production. The mouse safety test prescribed in § 113.33(a) shall also be conducted unless the virus or agent in the vaccine is inherently lethal for mice.

(c) *Virus identity test.* At least one of the virus identity tests provided in this

paragraph or a suitable identity test prescribed in the filed Outline of Production shall be conducted for the Master Seed Virus and final container samples from each serial or first subserial of biological product.

(1) *Fluorescent antibody test.* The fluorescent antibody test shall be conducted using virus inoculated cells and uninoculated control cells. Cells shall be stained with fluorescein conjugated specific antiserum. Fluorescence typical of the virus concerned shall be demonstrated in the inoculated cells. The control cells shall remain free of such fluorescence.

(2) *Serum neutralization test.* The serum neutralization test shall be conducted using the constant serum-decreasing virus method with specific antiserum. For positive identification, at least 100 ID₅₀ of vaccine virus shall be neutralized by the antiserum.

(d) * * *

(e) *Moisture content.* The maximum moisture content in desiccated vaccines shall be stated in the filed Outline of Production.

(2) Final container samples of completed product from each serial or subserial shall be tested for moisture content in accordance with the test prescribed in § 113.29.

(37 Stat. 832-833; 21 U.S.C. 151-158)

Done at Washington, D.C., this 16th day of May 1984.

D. F. Schwindaman,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-14521 Filed 5-30-84; 8:45 am]
BILLING CODE 3410-34-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 229, 230, 239, 240, and 249

[Release Nos. 33-6534A; 34-20944A; File No. S7-20-84]

Business Combination Transactions; Proposed New Registration Form; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules; correction.

SUMMARY: This document corrects a release number assigned to the Proposed Rules Release relating to the proposed new registration form for business combination transactions. The proposed rules appeared at page 20833 of the Federal Register on Thursday,

May 17, 1984. This action is necessary to correct an incorrect assigned release number.

FOR FURTHER INFORMATION CONTACT: Patricia B. Magee, (202) 272-2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

The Release No. FR-18 is removed from the Proposed Rules Release because FR release numbers are assigned only to final codifications of financial reporting policies.

Dated: May 24, 1984.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-14618 Filed 5-30-84; 8:45 am]
BILLING CODE 8010-01-M

17 CFR Parts 230 and 239

[Release Nos. 33-6535A; 34-20945A; File No. S7-21-84]

Business Combination Transactions; Proposed New Registration Form; Foreign Registrants; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules; correction.

SUMMARY: This document corrects a release number assigned to the Proposed Rules Release relating to the proposed new registration form for business combination transactions. The proposed rules appeared at page 20852 of the Federal Register on Thursday, May 17, 1984. This action is necessary to correct an incorrect assigned release number.

FOR FURTHER INFORMATION CONTACT: Martin L. Meyrowitz, (202) 272-3250, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

The Release No. FR-19 is removed from the Proposed Rules Release because FR release numbers are assigned only to final codifications of financial reporting policies.

Dated: May 24, 1984.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-14617 Filed 5-30-84; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Public and Indian Housing

24 CFR Part 990

[Docket No. R-84-1126; FR-1775]

Annual Contributions for Operating Subsidy—Performance Funding System; Determination of Operating Subsidy

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Proposed rule.

SUMMARY: The Department proposes to amend the determination of operating subsidy eligibility under the Performance Funding System to restrict the payment of full operating subsidies to only occupied units and vacant units which fall within an Allowable Vacancy Rate, as defined in this rule. The Allowable Vacancy Rate would be the rate, considering all dwelling unit months available for occupancy, equal to the lesser of three percent (3%) or the Public Housing Agency's (PHA's) actual vacancy rate. Limited operating subsidy funding, in differing amounts, would be provided to PHAs for units in excess of the Allowable Vacancy Rate for the following two categories of units: (1) Vacant units in projects that have been approved for modernization, and (2) all other vacant units in excess of the Allowable Vacancy Rate, including vacant units approved for deprogramming.

The purpose of this amendment is to restrict the payment of full operating subsidies for PHAs with excessive vacancies while ensuring that projects that are considered viable and for which funds have been approved for modernization will receive, within a limited time frame, funding adequate for their maintenance. In regard to high vacancy projects not approved for modernization, the intent of these provisions is to encourage PHAs, within a four-year period, to (a) take all necessary actions, such as the securing of modernization funding or consolidation of vacancies, or (b) consider demolition or disposition of project.

This revised method of determining operating subsidy eligibility would affect operating subsidies payable for PHA fiscal years beginning January 1, 1985, and thereafter.

COMMENT DUE DATE: July 2, 1984.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room

10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address. Comments on the information collection requirements contained in this proposed rule (which includes docket number and title) should be submitted both to the HUD Rules Docket Clerk at the above address and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for HUD.

FOR FURTHER INFORMATION CONTACT:

John T. Comerford, Financial Management and Occupancy Division, Room 4216, Office of Public Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 426-1872. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department proposes to amend the determination of operating subsidy eligibility in the current Performance Funding System (PFS) regulations at 24 CFR Part 990, to restrict the payment of full operating subsidies to only occupied units and to vacant units that fall within an Allowable Vacancy Rate (AVR), as defined in this rule. The proposed new policy would provide that up to three percent (3%) of the total unit months available (UMA) of all dwelling units for the PHA's fiscal year, not to exceed the PHA's actual vacancy rate, would be allowed to be vacant without a reduction in subsidy. The definition of UMA in 24 CFR 990.102(q) would be modified to exclude vacant units that have been approved for deprogramming, so that these units would not be part of a PHA's three percent (3%) AVR.

"Unit approved for deprogramming" would be defined by this rule to be a unit for which HUD has approved the PHA's formal request to remove the unit from the PHA's inventory but for which removal, i.e., deprogramming, has not yet been completed. Such units shall include unimproved real property on which a low-income project formerly existed and units that the PHA has determined, with HUD approval, will no longer be used for nondeprogramming purposes. The new definition would replace the term "deprogrammed unit" which is used in the current regulation, and would clarify that while these units have been approved for deprogramming, final action has not been taken. "Unimproved real property" is included in the definition to clarify that such

property shall be treated as units approved for deprogramming for purposes of subsidy eligibility. The proposed rule reduces the subsidy eligibility for these units from "minimum services and protection" to "essential utilities and security costs".

The Department recognizes that in certain circumstances units approved for deprogramming are occupied by tenants. This may occur, for example, where a PHA plans to demolish units in order to reduce project density, but has found it necessary to delay demolition until relocation of tenants can be completed. Because these units are occupied and are on the PHA's rent roll, they would continue to be paid full operating subsidy under PFS. However, under the new policy, vacant units approved for deprogramming would only be eligible to receive limited operating subsidy funding.

Under this amendment, as stated in § 990.108b, limited operating subsidy funding, providing differing amounts of subsidy, would be provided to PHAs for units in excess of the Allowable Vacancy Rate (AVR) for the following two categories of units: (1) Vacant units in projects that have been approved for modernization, and (2) all other units in excess of the Allowable Vacancy Rate, including vacant units approved for deprogramming. PHAs would be required to document expenses to support requests for limited operating subsidy funding, and these requests would be subject to review and approval by HUD.

Vacant units in Category 1 (projects that have received funding approval for modernization using CIAP or other funds and for which modernization has not yet been completed) would be eligible for limited operating subsidy funding equal to the actual operating costs not to exceed the per unit month sum of (1) the Allowable Expense Level (AEL) determined for occupied units under the PFS plus (2) an allowable level of utility expenses determined in accordance with § 990.107(c), if HUD determines that such funding is adequate to return the units to standard conditions (See HUD Handbook 7585.2 REV. *Public Housing Modernization Standards*) and to make them available for occupancy.

Under the new policy, PHAs with units approved for modernization that have met these criteria would not be able to remain in this funding category indefinitely. Projects approved for modernization before the effective date of this rule would be eligible for the shorter of (a) five years from the date of approval of the final application for the latest award of modernization funds for the project or (b) three years from the effective date of this rule. Projects

approved for modernization after the effective date of this rule would be eligible for three years from the date of approval of the final application for modernization funds.

Vacant units in Category 2 (all other vacant units in excess of the Allowable Vacancy Rate, including vacant units approved for deprogramming) would receive only the minimum amount of operating subsidy funding necessary to pay for essential utilities and security costs, as stated in § 990.108(b). PHAs would be required under the new policy annually to reduce the number of units that qualify under this category over a four-year period. As a result of this reduction, by FY 1989, there would be no units funded under this category.

The intent of providing limited operating subsidy funding to cover actual operating costs for units in projects that have been approved for modernization is to fund actions which will prevent deterioration of potentially viable housing units until such time as the units can be rehabilitated and reoccupied. In regard to other high vacancy projects not approved for modernization, the intent of providing minimum funding to cover only essential utilities and security costs is to encourage PHAs to (a) take all necessary actions such as the securing of modernization funding or consolidation of vacancies or (b) consider demolition or disposition of the project.

Because high concentrations of vacancies may result in empty buildings in projects for which modernization funding has been approved and in projects that are expected to be sold or demolished by the PHA, the proposed rule would require a special calculation for utilities for projects that have one or more vacant buildings (new § 990.107(g)). Unless the buildings in these projects have individually metered utilities, the entire project would be excluded from the three year rolling base used in the calculation of a PHA's Allowable Utility Expense Level (AUEL). The intent of this provision (§ 990.107(g)) is to ensure that utilities for empty buildings are judiciously controlled and to encourage PHAs to modernize, demolish or sell empty buildings expeditiously.

In order to ensure that the Department only pays full operating subsidy for occupied units and units within the Allowable Vacancy Rate (AVR), and that partial operating subsidy funding for units approved for deprogramming and units in excess of the AVR is provided in accordance with the limitations prescribed, the proposed rule would require PHAs to prepare a new

year-end adjustment for: (1) The actual number of unit months occupied, (2) the actual utilities expense level, based on the actual unit months occupied, and (3) all estimated costs used as components to compute partial operating subsidy funding.

Background

The Department developed the proposed rule as the result of very careful examination of the current regulations and policies relating to the payment of operating subsidies for vacant units. A recent Congressional Budget Office report entitled "Federal Subsidies for Public Housing: Issues and Options" (June 1983, pages 46 and 47), and the Department's 1982 report to the Congress on "Alternative Operating Subsidy Systems for the Public Housing Program" (May 1982, pages 204-312), recognized the loopholes in the current regulations and set forth recommendations for correcting them. In proposing this regulation, the Department is interested in promoting better management of the public housing inventory, improving the quality of housing for low-income tenants, controlling increases in operating subsidy funding, and providing for a more equitable distribution of subsidy funding.

Under current rules, full Federal subsidies are paid for all units managed by a PHA unless HUD and the PHA have formally withdrawn the unit from the inventory. This means that PHAs have little incentive to minimize the duration of vacancies, since they can continue to receive full operating subsidies for vacant units. To the extent that rent payments are reduced, the Department's subsidy costs are raised. It has become apparent that some PHAs are deliberately vacating units because the costs of managing vacant units is lower and, under the current system, the vacant units can receive operating subsidy equal to the full operating costs of occupied units. This situation is contrary to the interests of tenants and the Department, and it is clearly a violation of the purpose of the U.S. Housing Act of 1937, 42 U.S.C. 1437g, which is to provide housing for lower income families.

The Department believes that tighter management can reduce vacancy levels in many PHAs' projects and that the use of the very high modernization funding levels provided by Congress in recent years will soon permit many units now vacant to be made available for occupancy. It is also expected that improved PHA management will assure the retention of these units as occupied units. For these reasons, the Department

believes that a well-managed PHA could operate effectively within the Allowable Vacancy Rate which is being proposed. The majority of PHAs already operate within this rate.

The Department proposes to amend 24 CFR Part 990 (formerly Part 890) as follows:

A technical revision would be made to § 990.101(c)(4) to make it consistent with the new policy by deleting a phrase which would no longer be applicable. The current regulation permits the PHA to use an estimated percentage of occupancy in the calculation of projected operating income. The proposed rule would require PHAs to use actual occupancy levels in this calculation.

Section 990.102(q) would be revised to remove the term "deprogrammed" from the definition of Unit months available and replace it with the phrase "approved for deprogramming and vacated". The new definition would state that a unit is available for occupancy from the date on which the End of the Initial Operating Period (EIOP) for the project is established until the unit is approved by HUD for deprogramming and is vacated, or is approved for nondwelling use.

Section 990.102(w) would be revised by adding a cross reference to the section for computation of the utilities expense level for the rolling base period.

A new § 990.102(x) would be added to define "Unit approved for deprogramming" as discussed previously.

A new § 990.102(y) would be added to define "Allowable Vacancy Rate" (AVR) as discussed previously.

A new § 990.102(z) would be added to define "Unit Months Occupied (UMO)" as the sum of the total number of days in the PHA's fiscal year that each unit is under lease, divided by 30.4, which is the average number of days per month (excluding leap year). UMOs are used in the year-end adjustment to account for differences between estimates used in initial calculations and the number of months that units were actually occupied during a PHA's fiscal year.

Section 990.104 would be revised to add new paragraph (c) and (d). Paragraph (c) would require that, beginning with PHA fiscal years beginning January 1, 1985 and thereafter, vacant unit months exceeding the Allowable Vacancy Rate shall be excluded from the determination of full operating subsidy eligibility. The initial operating subsidy calculation made under this paragraph would be subject to an end-of-the-year adjustment in accordance with § 990.110(c). The

adjustment is based on the actual number of months a PHA's units were occupied.

Paragraph (d) would state that vacant units exceeding the Allowable Vacancy Rate and vacant units approved for deprogramming are eligible for limited operating subsidy funding.

Section 990.107(c) would be revised to exclude consumption data for a project having one or more vacant buildings from the three-year rolling base used in the calculation of a PHA's Allowable Utilities Expense Level, except where the project has individually metered buildings. Utilities expenses for these projects would be computed in accordance with a new procedure described in new § 990.107(g).

Section 990.107(c)(3)(i) would be revised to include in the definition of a "new project" any project with one or more empty buildings whose expense level was previously funded in accordance with new § 990.107(g). After the empty buildings in the project are either modernized and reoccupied or disposed of, utilities expense levels for the projects would be calculated in accordance with the requirements for new projects until such time as they accumulate three years of consumption data.

A technical change would be made to § 990.107(f) to correct a cross reference.

A new § 990.107(g) would be added to describe a special utility calculation required for a project with one or more vacant buildings. This type of project would be excluded from the calculation of the PHA's Allowable Utility Expense Level (AUEL) in § 990.107. The utility portion of operating subsidy for any such project will be the lesser of: (i) Actual utility costs incurred for the project, or (ii) an amount determined by multiplying for each utility the actual average rate for the fiscal year by the consumption level determined in § 990.107(g)(1) which had been multiplied by the Heating Degree Day (HDD) Change Factor described in § 990.107(d)(1). No other adjustments will be allowed. If the vacant buildings are separately metered, the balance of the project can be computed under the current provisions of § 990.107.

Section 990.108(b), Eligibility for Limited Operating Subsidy Funding, would be revised as discussed previously.

Conforming technical changes would be made to § 990.109 (a) and (b)(2). Paragraphs § 990.109(b) (3) and (4) would be removed.

Section 990.110 would be revised to add a new paragraph (c) setting forth the policy and procedure for the year-end adjustment of Unit Months

Occupied used in calculating subsidy eligibility to account for differences between estimates used in initial calculations and the number of months that units were actually occupied during a PHA's fiscal year. Current paragraphs (c), (d) and (e) of § 990.110 would be redesignated as paragraphs (d), (e) and (f), respectively. Newly redesignated paragraph (d) would be revised to require application of the new policy regarding vacant units in the year-end adjustment of the Utilities Expense Level.

A technical change would be made to § 990.110(d)(5) to conform cross references.

A new § 990.110(g) would be added to require year-end adjustments of all the component factors used to compute the funding paid for units approved for modernization but over the Allowable Vacancy Rate, vacant units approved for deprogramming, and vacant units in excess of the Allowable Vacancy Rate.

A finding of No Significant Impact with respect to environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule would not constitute a "major" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it would not: (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A comment period of 30 days, rather than the usual 60 days, will be applicable to this rule in order to provide PHAs with the most reliable assumptions possible in managing their fiscal resources in PHA fiscal years which begin January 1, 1985 or later. A 30-day comment period should make it possible for the Department to proceed with further rule development, after consideration of the public comments, without prolonging unnecessarily any uncertainty as to the degree to which a

PHA's operating subsidy will be affected by the vacancy policy in this rule. If the comment period were the usual 60 days in length, it might not be possible, because of legislative review requirements applicable to HUD regulations, to have the rule in effect early enough to permit PHAs with fiscal years beginning January 1, 1985, to consider the impact of this rule on their subsidy at the time they are preparing their FY 1985 budget.

In accordance with the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities because available studies indicates that most small PHAs do not have large numbers of vacancies. Accordingly, the funds available to these PHAs would not be significantly affected.

This rule is listed at 49 FR 15937 as item H-38-83 in the Department's Semiannual Agenda of Regulations published on April 19, 1983, at 49 FR 15902, under Executive Order 12291 and the Regulatory Flexibility Act.

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for review under the provisions of Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520). No person may be subject to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the Federal Register.

(The Catalog of Federal Domestic Assistance program numbers are 14.146 and 14.156)

List of Subjects in 24 CFR Part 990

Grant programs: Housing and community development, Low and moderate income housing, Public housing.

Accordingly, the Department proposes to amend 24 CFR Part 990 as follows:

PART 990—[AMENDED]

1. By revising paragraph (c)(4) of 990.101 to read as follows:

§ 990.101 Purpose—general policy of performance funding system.

(c) * * *

(4) Projected operating income (primarily dwelling rental income) is computed in accordance with § 990.109. Dwelling rental income is projected based upon the rental charges shown in

the PHA's rent rolls, increased by a trend factor (subject to updating) of three percent (3%). In accordance with section 9(b) of the United States Housing Act, a condition of receiving operating subsidy is that the aggregate rental as required to be charged in any year to families residing in dwelling units administered by a PHA receiving operating subsidy shall not be less than an amount equal to one-fifth of the sum of the incomes of such families. (See § 990.114.) Other operating income is estimated by the PHA subject to adjustment by HUD.

2. By revising paragraphs (q) and (w) in § 990.102 and adding new paragraphs (x), (y) and (z), to read as follows:

§ 990.102 Definitions.

(q) *Unit Months Available.* Project Units multiplied by the number of months the Project Units are available for occupancy during a given PHA fiscal year. A unit is considered available for occupancy from the date on which the End of the Initial Operating Period (EIOP) for the project is established until the time it is approved by HUD for deprogramming and is vacated or is approved for nondwelling use.

(w) *Allowable Utilities Consumption Level (AUCL).* The amount of utilities expected to be consumed per unit per month by the PHA during the Requested Budget Year, which shall be equal to the average amount consumed per unit per month during the Rolling Base Period computed in accordance with § 990.107(c)(1). At the end of the requested Budget Year, the AUCL of the utility(ies) used for space heating will be adjusted by a Change Factor. (See § 990.102(u).)

(x) *Unit approved for deprogramming.* A unit for which HUD has approved the PHA's formal request to remove the unit from the PHA's inventory but removal, i.e., deprogramming, has not yet been completed. Such units shall include unimproved real property on which a low-income project formerly existed and units that the PHA has determined will no longer be used for nondwelling purposes approved by HUD.

(y) *Allowable Vacancy Rate.* The percentage of a PHA's dwelling UMAs that may be vacant before full operating subsidy is reduced for vacant units. The Allowable Vacancy Rate shall be up to three percent of the UMAs but shall not exceed the PHA's actual vacancy rate.

(z) *Unit Months Occupied (UMO).* The sum of the total number of days in the PHA's fiscal year that each unit is under lease divided by 30.4 which is the

average number of days per month (excluding leap year).

3. By adding new paragraphs (c) and (d) to § 990.104, to read as follows:

§ 990.104 Determination of amount of operating subsidy under PFS.

(c) For PHA fiscal years beginning January 1, 1985 and thereafter, vacant UMAs exceeding the Allowable Vacancy Rate shall be excluded from determination of full operating subsidy eligibility. Initial operating subsidy calculations made under this paragraph will be subject to year-end adjustment in accordance with § 990.110(c).

(d) All vacant units approved for deprogramming and vacant units in excess of the Allowable Vacancy Rate are eligible to receive limited operating subsidy funding in accordance with § 990.108(b).

4. By revising paragraphs (c) and (c)(3)(i) of § 990.107 to read as follows:

§ 990.107 Computation of utilities expense level.

(c) *Computation of Utilities Consumption Level.* The AUCL used to compute the Utilities Expense Level of a PHA for the Requested Budget Year will be based upon the availability of consumption data. For project utilities where consumption data is available for the entire Rolling Base Period, the computation will be in accordance with paragraph (c)(1) of this section. For project utilities (other than for New Projects) where the consumption data is not available for the entire Rolling Base Period, the computation will be in accordance with paragraph (c)(2) of this section. For New Projects, the computation will be in accordance with paragraph (c)(3) of this section. The AUCL for all of a PHA's projects is the sum of the amounts determined using paragraphs (c) (1), (2) and (3) of this section, as appropriate. Consumption data for a project with one or more vacant buildings will be excluded from this calculation, and utility expenses for such projects will be computed in accordance with § 990.107(g). If the vacant buildings are separately metered, the AEUL of the balance of the project can be computed under this paragraph (c).

(3) ***

(i) A New Project, for the purpose of establishing the Rolling Base Period and the Allowable Utilities Expense Level, is defined as either: (A) a project which had not been in operation during at least 12 months of the Rolling Base Period, or

a project which enters management after the Rolling Base Period and before the end of the Requested Budget Year, or (B) a project which, during or after the Rolling Base Period, has converted from one energy source to another; had interruptible service; had deprogrammed units and had projects previously funded under § 990.107(g) for the rolling base period; or had switched from tenant-purchased to PHA-supplied utilities or from PHA-supplied to tenant-purchased utilities.

5. By revising § 990.107(f) to change the reference in the first sentence from "§ 990.110(c)" to "§ 990.110(d)".

6. By adding a new paragraph (g) to § 990.107, to read as follows:

§ 990.107 Computation of utilities expense level.

(g) *Utilities expenses for projects with one or more vacant buildings.* A project with one or more vacant buildings will be excluded from the calculation of a PHA's Allowable Utility Expense Level (AUCL) as otherwise determined under this section. The utility portion of operating subsidy for any such project will be the actual utility costs incurred for the project, not to exceed an amount determined in accordance with subparagraph (g)(2) of this section. If the vacant buildings are separately metered, the AUCL of the balance of the project can be computed under § 990.107(c).

(1) For the purpose of approving subsidy at the beginning of the PHA's fiscal year, subject to adjustment after year-end in accordance with paragraph (g)(2) of this section, the rates in effect when the PHA submits its operating budget to HUD shall be multiplied by the average consumption level of the project during the rolling base period as adjusted to reflect reduced utility requirements of the project resulting from the existence of vacant buildings.

(2) The amount of operating subsidy initially approved for utilities for a project with one or more vacant buildings in accordance with paragraph (g)(1) of this section will be adjusted after the end of the PHA's fiscal year to the lesser of: (i) Actual utility costs incurred for the project, or (ii) an amount determined by multiplying the actual average rate for each utility for the fiscal year by the consumption level determined in paragraph (g)(1) of this section which has been multiplied by the Heating Degree Day (HDD) Change Factor described in § 990.107(d)(1). No other adjustments will be allowed. This adjustment shall be submitted to the HUD Field Office by a deadline

established by HUD, which will be during the PHA fiscal year following the PHA fiscal year in which the operating subsidy was received.

7. By revising paragraph (b) of § 990.108 to read as follows:

§ 990.108 Other costs.

(b) Eligibility for limited operating subsidy funding. Vacant units in excess of the Allowable Vacancy Rate and vacant units approved for deprogramming are not eligible to receive full operating subsidy. Based on documentation provided by PHAs and subject to review and approval by HUD, these units are eligible to receive limited operating subsidy funding. Separate rules for limited subsidy apply to each of these categories of units as described below. The number of units in each category will be determined annually.

(1) *Excess vacant units approved for modernization.* Limited operating subsidy funding equal to the actual operating costs (but not to exceed the total expense level, which is the sum of the AEL determined for occupied units under the PFS plus an allowable level of utility expenses determined in accordance with § 990.107(c)) will be paid for all vacant units in excess of the Allowable Vacancy Rate that are located in projects that have approved funding for modernization using CIAP or other funds (e.g. CDBG funding) for which modernization has not yet been completed, if HUD determines that such funding is adequate to return the units to standard conditions (See HUD Handbook 7585.2 REV. *Public Housing Modernization Standards*) and make them available for occupancy. Units that have met the aforementioned criteria are eligible to receive limited operating subsidy funding as follows:

(i) Projects approved for modernization before (*insert effective date of this regulation*) are eligible for the shorter of (A) five (5) years from the date of approval of the final application of the latest award of modernization funds for the project or (B) three (3) years from (*insert effective date of this regulation*); or

(ii) Projects approved for modernization on or after (*insert effective date of this regulation*) are eligible for three (3) years from the date of approval of the final application for modernization funds.

(2) *All other vacant units in excess of the Allowable Vacancy Rate including vacant units approved for*

deprogramming. Only the minimum amount of operating subsidy funding necessary to pay for essential utilities and security costs will be paid for vacant units approved for deprogramming or for other units in excess of the Allowable Vacancy Rate not provided for in paragraph (b)(1) of this section. The number of units that qualify for limited operating subsidy under this paragraph (b)(2) will be reduced annually as follows:

(i) For PHA fiscal years beginning in calendar year 1985, one hundred percent (100%) of the units that qualify for funding will be eligible to receive funding.

(ii) For PHA fiscal years beginning in calendar year 1986, seventy-five percent (75%) of the number of units that qualified for funding under paragraph (b)(2)(i) of this section will be eligible.

(iii) For PHA fiscal years beginning in calendar year 1987, fifty percent (50%) of the number of units, that qualified for funding under paragraph (b)(2)(i) of this section will be eligible.

(iv) For PHA fiscal years beginning in calendar year 1988, twenty-five percent (25%) of the number of units that qualified for funding under paragraph (b)(2)(i) of this section will be eligible.

(v) For PHA fiscal years beginning in calendar year 1989 and thereafter, no units no units will qualify for limited operating subsidy under this paragraph.

8. By removing paragraphs 990.109(b) (3) and (4), and by revising paragraphs 990.109 (a) and (b)(2) to read as follows:

§ 990.109 Projected operating income level.

(a) *Policy.* PFS determines the amount of operating subsidy for a particular PHA based in part upon projected dwelling rental income and other income for the particular PHA. The projection of dwelling rental income for the Requested Budget Year is obtained by computing the per-unit average monthly dwelling rental charge for the PHA, and by projecting this amount for the Requested Budget Year by applying an upward trend factor (subject to updating by HUD) of 3 percent, and multiplying this amount by the number of UMOs as defined in § 990.102(z). Nondwelling income is projected by the PHA in accordance with § 990.109(e). There are special provisions for projection of dwelling rental income for new projects.

(b) * * *

(1) * * *

(2) *Projected average monthly dwelling rental income.* The average

monthly dwelling rental income per unit computed under paragraph (b)(1) of this section is increased by 3 percent to obtain the projected average monthly dwelling rental income per unit for the PHA's Requested Budget Year.

9. By redesignating existing paragraphs (c), (d), and (e) of § 990.110 as paragraphs (d), (e), and (f), respectively, by adding new paragraphs (c) and (g), and by revising redesignated paragraph (d) to read as follows:

§ 990.110 Requests for adjustments.

(c) *Adjustments of Unit Months Occupied.* A PHA receiving operating subsidy under the provisions of § 990.104, excluding those PHAs that receives operating subsidy solely for IPA audits (§ 990.108(a)), must submit a year-end adjustment of the projection of UMOs used as a basis for the approval of operating subsidy eligibility at the beginning of the year. This adjustment will be determined by comparing the actual number of UMOs with the estimates used for subsidy eligibility purposes. The comparison of actual and estimated UMOs may also affect the computation of the Allowable Vacancy Rate. The adjustment shall be submitted as a revision of those forms prescribed by HUD that were submitted by the PHA for the fiscal year for which the adjustment is being made. The revised data shall be submitted to the HUD Field Office for approval by a deadline established by HUD, which will be during the PHA fiscal year following the PHA fiscal year for which an operating subsidy was received by a PHA (exclusive of a subsidy solely for IPA audit costs). Failure to submit the required adjustments by the date due may, in the discretion of HUD, result in the withholding of budget approval and future obligations of operating subsidies until the adjustment is received.

(d) *Adjustments of Utilities Expense Level.* A PHA receiving operating subsidy under § 990.104, excluding those PHAs that receive operating subsidy solely for IPA audit (§ 990.108(a)), must submit a year-end adjustment to the Utility Expense Level approved for operating subsidy eligibility purposes. This adjustment will compare the actual utility expense and consumption for the PHA fiscal year to the estimates used for subsidy eligibility purposes, and shall take into consideration the comparison, in accordance with paragraph (c) of this section, of the actual number of UMOs with the estimates used for subsidy eligibility

purposes. The adjustment shall be submitted on forms prescribed by HUD. This adjustment shall be submitted to the HUD Field Office by a deadline established by HUD, which will be during the PHA fiscal year following the PHA fiscal year for which an operating subsidy was received by the PHA, exclusive of a subsidy solely for IPA audits costs. Failure to submit the required adjustment of the Utilities Expense Level by the date due may, in the discretion of HUD, result in withholding of future obligation of operating subsidy payments until it is received. Adjustments under this paragraph normally will be made in the PHA fiscal year following the year for which adjustment is applicable, except as provided in paragraph (d)(5) of this section or unless a repayment plan is necessary as noted in paragraph (f) of this section as follows:

(5) In emergency cases, where a PHA establishes to HUD's satisfaction that a severe financial crisis would result from a utility rate increase, an adjustment covering only the rate increase may be submitted to HUD at any time during the PHA Current Budget Year. Unlike the adjustments mentioned in paragraphs (d)(1) through (d)(4) of this section, this adjustment shall be submitted to the HUD Field Office by revision of the original submission of the estimated Utility Expense Level for the fiscal year to be adjusted.

(g) *Adjustments for vacant units approved for modernization that are in excess of the Allowable Vacancy Rate, all vacant units approved for deprogramming, and other vacant units in excess of the Allowable Vacancy Rate.* The PHA must submit year-end adjustments for funding received under Section 990.108(b) for vacant units approved for modernization that are in excess of the Allowable Vacancy Rate, vacant units approved for deprogramming, and other vacant units in excess of the Allowable Vacancy Rate.

Authority: Sec. 9, United States Housing Act of 1937, 42 U.S.C. 1437g; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Dated: May 7, 1984.

Warren T. Lindquist,
Assistant Secretary for Public Indian Housing.

[FR Doc. 84-14620 Filed 5-30-84; 8:45 am]

BILLING CODE 4210-33-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. NH-84-1030; FRL -2597-4]

Approval and Promulgation of Implementation Plans; New Hampshire; Markem Corporation Compliance Schedule.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of New Hampshire. These revisions will reduce emissions from a major source of volatile organic compounds (VOC) in the State. The intended effect of this action is to satisfy conditions for Part D plan requirements for nonattainment areas under Section 172(b)(2) of the Clean Air Act.

DATES: Comments must be received on or before July 2, 1984.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2311, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, State Air Programs Branch, Room 2313, JFK Federal Building, Boston, Massachusetts 02203 and New Hampshire Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

FOR FURTHER INFORMATION CONTACT: Bridget E. McGuinness, (617) 223-4872.

SUPPLEMENTARY INFORMATION: On August 11, 1980, EPA conditionally approved the ozone control plan for New Hampshire (45 FR 24869). Final approval required that the state submit schedules for major sources of VOC to achieve compliance as expeditiously as practicable. Under EPA policy, New Hampshire, as a rural nonattainment area with respect to ozone, has to control only major emitters of VOC—those with over 100 Tons Per Year (TPY) actual or potential emissions (see February 27, 1978 memorandum from former EPA Administrator Douglas Costle).

Markem Corporation in Keene, New Hampshire is a specialty fabric printer. The source has five coating lines which coat inks on fabrics and films, which in turn are used by Markem's customers to print labels on garments. Markem applied to the state of New Hampshire for an extension to its VOC compliance

schedule in order to allow it to reformulate most of these inks to water-based compounds. EPA approved this extension which gave Markem until September 30, 1983 to reformulate its products. (See the October 20, 1983 Federal Register, 48 FR 48664).

Markem requested that the state grant them a further extension to their control plan because reformulation efforts had been set back by a change in one of the components supplied by an outside vendor. EPA met with representatives of Markem and the New Hampshire Air Resources Agency (ARA) personnel on September 6, 1983 and again on October 13, 1983 to discuss whether Markem's new control plan demonstrated expeditious compliance with New Hampshire Administrative Regulation 1204.05. As a result of these meetings, Markem made the decision to forego further attempts at reformulating the remaining solvent-based inks and to install a fume incinerator to destroy the VOC emissions. VOC emissions are to be less than 100 TPY after July 1, 1985. Based on these discussions, the New Hampshire ARA has requested a final compliance date of July 1, 1985 for Markem to complete installation of the incinerator.

On December 22, 1983, New Hampshire Air Resources Agency submitted a copy of Markem's temporary operating permit dated December 8, 1983 as part of a formal SIP revision. The permit provides the following operating conditions and compliance schedule:

1. The operating hours for coating lines 1, 3, 4, and 5 are limited to 16 hours per day and 275 days per year.
2. The operating hours for coating line 2 are limited to 8 hours per day and 260 days per year.
3. Opacity of emissions may not exceed 20%.
4. During calendar year 1985 total tons of VOC emissions from this process shall be less than 100 tons per year.
5. VOC inventory progress reports shall be submitted quarterly for the duration of this extension, with the first quarterly report to cover the months of October, November and December 1983.
6. Installation of the incinerator shall proceed according to the proposed compliance plan and schedule outlined as follows:

- a. Completion of engineering (selection of vendor) on or before March 30, 1984.
- b. Awarding of contracts (place the order) no later than August 1, 1984.
- c. Initiation of construction on or before April 1, 1985.

d. Completion of construction on or before April 15, 1985.

e. Final compliance with CHAPTER Air 1200, PART Air 1203 shall be achieved no later than July 1, 1985.

f. The Agency to be notified in writing within fifteen (15) days after successful completion of each phase of this compliance schedule.

On February 10, 1984 the New Hampshire ARA submitted a revised permit which changed the wording of condition #4 from "During calendar year 1985..." to "After July 1, 1985..."

EPA reviewed Markem's proposal and based upon the information presented approves both the incinerator as a means of attaining compliance and the proposed compliance schedule.

Proposed Action

EPA is proposing to approve the revised compliance schedule and VOC emission limit (less than 100 tons per year after July 1, 1985) for Markem's Keene, New Hampshire facility submitted on December 22, 1983 and February 10, 1984.

Under 5 U.S.C. 605(b), the Administrator has certified that these SIP revisions will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

The Administrator's decision to approve or disapprove the plan revisions will be based upon whether they meet the requirements of 110(a)(2) (A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to Sections 110(a) and 301(a) of the Clean Air Act as amended [42 U.S.C. 7410(a) and 7601(a)].

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: April 26, 1984.

Paul Keough,
Acting Regional Administrator.

[FR Doc. 84-14491 Filed 5-30-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-9-FRL 2597-1]

Approval and Promulgation of Implementation Plans; California State Implementation Plan (SIP) Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The State of California recently submitted to EPA sixteen volatile organic compound (VOC) rules. EPA has evaluated the rules and has found them consistent with the requirements of 40 CFR Part 51 and Part D of the Clean Air Act (CAA). Today's notice proposes to approve the rules.

DATES: Comments may be submitted up to July 2, 1984.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air Management Division, Air Programs Branch, State Implementation Plan Section (A-2-3), Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions and EPA's associated Evaluation Report are available for public inspection during normal business hours at the EPA Region 9 office at the above address, and at the following location: California Air Resources Board, 1102 "Q" Street, P.O. Box 2815, Sacramento, CA 95812.

FOR FURTHER INFORMATION CONTACT: Thomas Rarick, Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, (415) 974-7641.

SUPPLEMENTARY INFORMATION:

Background

The submitted rules control emissions of VOC from stationary sources located in ozone nonattainment areas. Control of VOC emissions within these areas is necessary for attainment of the National Ambient Air Quality Standard for ozone.

Description of Regulations

The State of California submitted revisions on October 27, 1983, which are summarized as follows:

Bay Area Air Quality Management District (AQMD)

Regulation 8

Rule 3—Architectural Coatings. Compliance dates for non-flat coatings and small business are delayed.

Rule 9—Vacuum Processing Systems. Applicability of the rule is extended to include chemical plants.

Rule 10—Process Vessel Depressurization. Applicability of the rule is extended to include chemical plants.

Rule 20—Graphic Arts. Procedures for analysis of samples and determination of emissions are clarified.

Rule 22—Valves and Flanges at Chemical Plants. Limitation for the number of valves and flanges awaiting repair is deleted.

Rule 25—Pump and Compressor Seals at Petroleum Refineries and Chemical Plants. Applicability of the rule is extended to include chemical plants.

Rule 28—Pressure Relief Valves at Petroleum Refineries and Chemical Plants. Applicability of the rule is extended to include chemical plants.

El Dorado County Air Pollution Control District (APCD)

Rule 224—Cutback Asphalt Paving Material. New rule regulates the use of cutback asphalt for road paving.

Rule 225—Solvent Cleaning Operations. New Rule regulates solvent metal degreasing operations.

Madera County APCD

Rule 416—Storage of Petroleum Products. Exemption for tanks with low throughputs of light crude oil is deleted.

San Diego County APCD

Rule 67.9—Aerospace Coating. New rule establishes allowable solvent limits for coatings used in the aerospace industry.

South Coast AQMD

Rule 1113—Architectural Coatings. Compliance dates for non-flat coatings are delayed.

Rule 1122—Solvent Cleaners (Degreasers). Applicability of the rule is extended to include non-metal degreasing operations.

Rule 1136—Wood Furniture and Cabinet Coatings. New rule requires use of airless spray or air assisted airless spray application equipment or equivalent for surface coating of wood furniture.

Rule 1141—Control of Reactive Organic Gases from Resin Manufacturing. New rule regulates emission limits for process vessels used in resin manufacturing.

Rule 1145—Plastics, Rubber and Glass Coatings and Adhesives. New rule establishes allowable solvent limits for coatings used on plastic, rubber and glass and for adhesives.

Evaluation

These rules have been evaluated and are at least as stringent as the

recommendations in EPA's CTGs or fulfill the requirement for Reasonably Available Control Technology with one exception. South Coast AQMD Rule 1141 "Control of Reactive Organic Gases from Resin Manufacturing" requires significantly less control for polystyrene resin manufacturing plants than EPA's Group III CTG for this source ("Manufacture of Hi-Density Polyethylene, Polypropylene and Polystyrene"). EPA proposes to approve Rule 1141 since it represents a strengthening of the SIP. Pursuant to EPA policy, the District should review the rule with respect to the recommendations in the CTG and submit a revised rule by January 1, 1985. A copy of EPA's evaluation of the above rules is available for inspection at the Region 9 office.

Proposed Actions

EPA proposes to approve and incorporate the rules listed above into the California SIP, since they are consistent with the Clean Air Act, EPA policy and 40 CFR Part 51.

I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities. The Office of Management and Budget has exempted this action from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Authority: Secs. 110, 129, 171 to 178 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)).

Dated: April 13, 1984.

Judith E. Ayres,
Regional Administrator.

[FR Doc. 84-14484 Filed 5-30-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-I-FRL-2596-8]

Air Programs; Approval and Promulgation of Implementation Plans; Massachusetts; Lead Attainment and Maintenance Plan

AGENCY: Environmental protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan revisions submitted by the Commonwealth of Massachusetts. The intended effect of this action is to approve the

demonstration of attainment and maintenance of the National Ambient Air Quality Standard for lead as required under Section 110 of the Clean Air Act.

DATES: Comments must be received on or before July 2, 1984. Public comments on this document are requested and will be considered before taking final action on these SIP revisions.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2313, JFK Federal Bldg., Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2313, JFK Federal Bldg., Boston, MA 02203 and the Division of Air Quality Control, Department of Environmental Quality Engineering, One Winter Street, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, (617) 223-4869.

SUPPLEMENTARY INFORMATION: In a letter dated March 23, 1984, Massachusetts requested that EPA parallel process revisions to its State Implementation Plan that include technical support designed to demonstrate attainment and maintenance by the State of the NAAQS for lead. This draft submittal satisfies 40 CFR Part 51, implementation plans for lead.

Air Quality

On January 11, 1983, EPA approved Massachusetts' National Air Monitoring Station (NAMS) network for lead based on the requirements of 40 CFR Part 58. The network consists of six monitors.

The public may inspect the network description during normal business hours at EPA's Environmental Services Division, 60 Westview Street, Lexington, MA 02173, (617) 861-6700 or at the Division of Air Quality Control Address listed in the ADDRESSES section above.

On May 28, 1980 (45 FR 35804) EPA approved Massachusetts' lead standard. The State standard is the same as the National Ambient Air Quality Standard.

Emissions

Massachusetts' emissions inventory shows no significant point sources of lead. Mobile source emissions were calculated from 1978 to 1984 and show a significant decrease in lead emissions during that period.

Depending on the lead air concentration in the base (historic) year, it is possible for such areas to attain the lead standard solely due to Federal regulations. Based on those Federal regulations and information about past

and projected gasoline sales and assuming that lead concentrations decrease proportionally with automotive lead emissions, EPA has calculated critical lead concentrations for several base and attainment years. These were published in a July 1983 draft report entitled "Update Information on Approval and Promulgation of Lead Implementation Plans" prepared for the EPA Office of Air Quality Planning and Standards, Control Programs Development Division, Research Triangle Park, N.C. If the highest lead concentration for a given base year/attainment year combination is less than the critical value for that combination, EPA assumes that the standard will be attained by the attainment date. In 1978, Massachusetts had a worst-case quarterly concentration of 2.88 $\mu\text{g}/\text{m}^3$. The National Ambient Air Quality Standard is 1.5 $\mu\text{g}/\text{m}^3$. Massachusetts' worst-case concentration is less than the critical concentration calculated by EPA for an attainment date of 1984 (5.72). Therefore, EPA concludes that the standard is being and will continue to be attained in Massachusetts.

New Source Review

The March 23, 1984 draft submittal describes how Massachusetts will address new stationary sources of lead. The submittal indicates that the State's existing permit procedures in 310 CMR 7.02 adequately address control of major new sources of lead emissions. Since a reading of that regulation could be interpreted differently as it concerns permits for new lead sources having the potential to emit 5 or more tons a year, Massachusetts has agreed to submit a clarifying statement. In the cover letter accompanying the final submittal, the State will indicate that it interprets its authority under Section 7.02(2) to allow it to require new lead sources of 5 tons per year or larger to undergo its permitting procedures.

In summary, Massachusetts has had no monitored lead standard violations since 1980, is continuing to monitor for lead emissions and has new source review procedures in effect for new lead sources. EPA finds that the Massachusetts lead SIP demonstrates that the NAAQS for lead is being attained and will be maintained for the foreseeable future. This demonstration is based primarily on lead emission reductions that result from the federal programs for the reduction of lead in gasoline, the requirement for use of unleaded gasoline in catalyst-equipped vehicles and other requirements. Therefore, Massachusetts has met all the requirements of the Clean Air Act

and applicable regulations for submittal of an adequate lead SIP.

EPA is proposing to approve the Massachusetts State Implementation Plan Revision for lead, a draft of which was submitted on March 23, 1984, and is soliciting public comments on issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the address above.

These revisions are being proposed under a procedure called "parallel processing" (47 CFR 27073). If the proposed revisions are substantially changed, in areas other than those identified in this notice, EPA will evaluate those changes and may publish a revised NPR. If no substantial changes are made other than those areas cited in this notice, EPA will publish a Final Rulemaking Notice on the revisions. The final rulemaking action by EPA will occur only after the SIP revisions have been adopted by Massachusetts and submitted to EPA for incorporation into the SIP. "Parallel processing," it is estimated, will reduce the time necessary for final approval of these SIP revisions by 3 to 4 months.

Proposed Action

EPA is proposing to approve the draft Massachusetts State Implementation Plan revision for lead, which was submitted on March 23, 1984, with the understanding that the cover letter accompanying the final submittal will include the interpretation of the State's permitting authority noted above.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

The Administrator's decision to approve or disapprove the plan revisions will be based on whether it meets the requirements of Sections 110(a)(2) (A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

List Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide,

Hydrocarbons, Intergovernmental relations.

Dated: April 17, 1984.

Paul G. Keough,
Acting Regional Administrator.

[FR Doc. 84-14485 Filed 5-30-84; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 52

[AD-FRL 2597-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: EPA is withdrawing rulemaking on a revision to the Indiana State Implementation Plan (SIP) for total suspended particulates (TSP). The revision pertains to a variance to the Opacity SIP for the Indiana-Michigan Electric Company's Breed Generating Station in Sullivan County. EPA proposed to disapprove this variance on May 27, 1983 (48 FR 23852). EPA's withdrawal is based upon a request submitted on July 27, 1983, by the State. **DATE:** EPA's withdrawal is effective May 31, 1984.

ADDRESSES: Copies of the SIP revision and withdrawal requests are available at the following addresses for review. (It is recommended that you telephone Robert B. Miller at (312) 886-6031 before visiting the Region V office).

Environmental Protection Agency,
Region V, Air and Radiation Branch,
230 South Dearborn Street, Chicago,
Illinois 60604
Indiana Air Pollution Control Division,
Indiana State Board of Health, 1330
West Michigan Street, Indianapolis,
Indiana 46206.

FOR FURTHER INFORMATION CONTACT:
Robert B. Miller, Air and Radiation
Branch (5AR-26), Environmental
Protection Agency, Region V, Chicago,
Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: In order to attain and maintain the TSP NAAQS, the Indiana SIP requires all sources to meet a TSP mass emission limit and an opacity (visible emissions) limit. Indiana's operating permit regulation, 325 IAC Article 2, provides that Indiana may adopt operating permits which contain site specific emission limits less stringent than those contained within Indiana's general regulations, as long as the NAAQS are protected with the less stringent limits. These relaxed limits supersede those in the general

regulations and must be submitted to EPA as revisions to the SIP. Pursuant to this provision, Indiana adopted an operating permit for Breed which contains a site specific variance to Indiana's opacity regulation. The State submitted this operating permit to EPA on February 26, 1981 and resubmitted it on June 22, 1982. No technical support concerning the maintenance of the NAAQS was submitted with the variance.

This variance would have allowed Breed to exceed Indiana's 40% opacity limit during boiler startup and shutdown for a period of up to ten hours or until the flue gas temperature entering the electrostatic precipitator reaches 250° F, whichever comes first. The average opacity during these times of excess emissions could not exceed 70%. EPA proposed on May 27, 1983 (48 FR 23852) to disapprove the opacity variance because Indiana did not demonstrate that the NAAQS are protected during such periods of excess emissions.

In response to this proposal and at the request of the source, on July 27, 1983 Indiana withdrew the variance as a proposed revision to the SIP. Therefore, today, EPA is withdrawing its May 27, 1983 proposed rulemaking on this variance.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Secs. 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a))

Dated: April 26, 1984.

Alan Levin,
Acting Regional Administrator.

[FR Doc. 84-14490 Filed 5-30-84; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 81

[EPA Action IA 1499; A-7-FRL-2597-6]

Designation of Areas for Air Quality Planning Purposes; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: Section 107(d) of the Clean Air Act, as amended, provides for the designation of areas as either attainment, nonattainment, or unclassified with respect to the National

Ambient Air Quality Standards (NAAQS). EPA today proposes to redesignate a portion of the Mason City, Iowa, primary nonattainment area to secondary nonattainment with respect to the NAAQS for total suspended particulates (TSP). This redesignation proposal is based on a request from the Iowa Department of Water, Air and Waste Management.

DATE: Public comments should be received by July 2, 1984.

ADDRESSES: Comments should be sent to Larry A. Hacker, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. The State submission is available for inspection at the above address and at the Iowa Department of Water, Air and Waste Management, 900 East Grand, Des Moines, Iowa 50319.

FOR FURTHER INFORMATION CONTACT: Larry A. Hacker at (816) 374-3791, or FTS 758-3791.

SUPPLEMENTARY INFORMATION: In response to Section 107(d) of the Clean Air Act, as amended, EPA and the State of Iowa have designated all areas of the State as attaining the NAAQS, not attaining the NAAQS, or having insufficient data to make a determination. An attainment area is one in which the air quality does not exceed the standards. A nonattainment area is one in which the air quality is worse than the standards. An unclassified area is one for which there are insufficient data to determine whether the area is attainment or nonattainment. At 40 CFR Part 81, Subpart C, the areas of the State which are nonattainment for one or more pollutants are identified.

This action was previously part of a proposed rulemaking which was published in the *Federal Register*, on October 12, 1983 (48 FR 46393). In that package, the entire Mason City primary TSP nonattainment area was proposed for redesignation to secondary TSP nonattainment. No public comments were received on this proposal. Subsequent to the proposal, the State conducted an evaluation of the northern portion of this area. They concluded that the existing monitor sites are not representative of the entire nonattainment area. The State is concerned with a fugitive emissions problem which is attributed to two portland cement plants. There are no TSP monitors located in the vicinity of the cement plants. The State believes that additional monitoring is necessary

before the affected portion of this nonattainment area can be redesignated.

The primary NAAQS for TSP consist of a 24-hour value of 260 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), not to be exceeded more than once per year, and an annual value (geometric mean) of $75 \mu\text{g}/\text{m}^3$. The secondary NAAQS for TSP is a 24-hour value of $150 \mu\text{g}/\text{m}^3$, not to be exceeded more than once per year.

EPA's current Section 107 designation policy is summarized in an April 21, 1983 memorandum from EPA's Office of Air Quality Planning and Standards. Generally, eight quarters (two years) of monitoring data which show attainment are required to support redesignation requests, and evidence of actual, enforceable emission reductions should also be provided. However, the most recent four quarters of monitoring data can be used if dispersion modeling shows that the SIP strategy is sound, and if actual, enforceable emission reductions have occurred.

In a submittal dated February 28, 1984, the State requested a revised TSP redesignation for Mason City. In this request, only the southern portion of the primary nonattainment area (south of 12th Street) would be redesignated to secondary TSP nonattainment.

There are two TSP monitors in the southern portion of the currently designated primary nonattainment area. The most recent eight quarters of monitoring data show attainment of the primary NAAQS for TSP. In addition, Mason City has an EPA approved SIP control strategy which includes enforceable emission reductions. Therefore, EPA believes that this request complies with agency policy.

Action: EPA proposes to remove the primary nonattainment designation and retain the secondary nonattainment designation for the southern portion of the Mason City primary nonattainment area.

EPA is soliciting comments on the State's submission and on EPA's action proposed in this document. The Administrator will consider comments received in deciding to approve or modify the State's request.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709)

The Office of Management and Budget has exempted this rule from the

requirements of section 3 of Executive Order 12291.

This notice of proposed rulemaking is issued under the authority of Sections 107 and 301 of the Clean Air Act, as amended (42 U.S.C. 7407 and 7601).

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

Dated: March 22, 1984.

David R. Tripp,

Acting Regional Administrator.

[FR Doc. 84-14489 Filed 5-30-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 765

[OPTS-62033; FRL 2581-5]

Formaldehyde; Determination of Significant Risk

Correction

In FR Doc. 84-13828 beginning on page 21870 in the issue of Wednesday, May 23, 1984, make the following corrections:

On page 21870, in the first column, correct lines nineteen through twenty-one to read as follows: "formaldehyde-based resins and residence in conventional and manufactured homes containing construction materials in which certain formaldehyde-based resins are used. In addition, EPA is simultaneously announcing a second decision to initiate a full investigation of regulatory options. Section 4(f) does not require that this second decision, which".

BILLING CODE 1505-01-M

LEGAL SERVICES CORPORATION

45 CFR Part 1622

Public Access to Meeting Under the Government in the Sunshine Act

Correction

In FR Doc. 84-14121, beginning on page 22348 in the issue of Tuesday, May 29, 1984, the following correction should be made:

On page 22348, first column, the comment closing date should have read "June 28, 1984."

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

50 CFR Part 630

[Docket No. 40449-4049]

Atlantic Swordfish Fishery

Correction

In FR Doc. 84-10621 beginning on page 15585 in the issue of Thursday, April 19, 1984, make the following corrections.

1. On page 15586, third column, § 630.2, under *Fishing* paragraph (d), third line, "9(c)" should read "(c)"; in the tenth paragraph from the top, "Observe" should read "Observer".

2. On Page 15588, second column,

§ 630.7, paragraph (d)(2),

"(- - - - -)" should read

"(- - - - -)".

BILLING CODE 1505-01-M

Notices

Federal Register

Vol. 49, No. 106

Thursday, May 31, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

DEPARTMENT OF JUSTICE

Attorney General

[Docket No. 84-043]

Tick Inspectors' Use of Firearms

This notice sets forth in full a document captioned "Rules for Employees Authorized Pursuant to Pub. L. 97-312 to Carry a Firearm for Self-Protection" which was issued jointly by the Secretary of Agriculture of the United States and the Attorney General of the United States. The document reads as follows:

Animal and Plant Health Inspection Service, Veterinary Services

Rules for Employees Authorized Pursuant to Public Law 97-312 To Carry a Firearm for Self-Protection

1. Purpose

To establish rules for those employees of the United States Department of Agriculture charged with enforcement of regulations and regulatory activities authorized pursuant to section 2 of the Act of February 2, 1903, as amended and section 5 of the Act of July 2, 1962, of the animal quarantine laws (32 Stat. 792, as amended and 76 Stat. 130; 21 U.S.C. 111, 134d) and designated by the Secretary of Agriculture and the Attorney General of the United States to carry a firearm and use a firearm when necessary for self-protection.

2. Applicability

Pursuant to Pub. L. 97-312, approved October 14, 1982 (96 Stat. 1461), the Secretary of Agriculture and the Attorney General have designated and will designate certain United States Department of Agriculture, Animal and

Plant Health Inspection Service, Veterinary Services, Animal Health Technicians (Tick Inspectors) as those Department employees authorized to carry a firearm and use a firearm when necessary for self-protection while engaged in the enforcement of regulations and regulatory activities authorized pursuant to section 2 of the Act of February 2, 1903, as amended and section 5 of the Act of July 2, 1962, of the animal quarantine laws (32 Stat. 792, as amended and 76 Stat. 130; 21 U.S.C. 111, 134d). These rules are applicable to such Tick Inspectors.

3. Firearms Authorization

A. Authority for the Secretary of Agriculture and the Attorney General of the United States to authorize and designate Tick Inspectors to carry firearms and use a firearm when necessary for self-protection is contained in Pub. L. 97-312, approved October 14, 1982 (96 Stat. 1461).

B. The authority for any Tick Inspector to carry a firearm for self-protection is limited to any situation in which the Tick Inspector is engaged in the performance of his/her official duties concerning patrol activities in hazardous areas of the quarantine buffer zone along the Rio Grande River and when tracing animals from Mexico as the continuation of the patrol along the Rio Grande River.

C. Before any such Tick Inspector may carry a firearm for self-protection, he/she is required to receive firearm training at the Federal Law Enforcement Training Center, Glynco, Georgia, or at a comparable firearm training facility approved by the Secretary of Agriculture and the Attorney General. The Tick Inspector must qualify in the use of such firearms in accordance with the applicable provisions of these rules.

D. A Tick Inspector authorized to carry a firearm for self-protection shall at all times when carrying the firearm also carry his/her official United States Department of Agriculture identification.

General Rules

4. Carrying Firearms

A. It is the policy of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, that the carrying or wearing of a firearm be kept at a minimum and be as inconspicuous as possible.

B. The only firearms which may be worn or carried are those which are issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

C. Firearms may only be worn when conducting official duties and activities as outlined in paragraph 3.

D. Firearms shall not be worn in areas where cattle are being dipped.

E. Firearms shall not be worn when meeting with cattle owners.

5. Use of Firearms

A. Any use of firearms by Tick Inspectors must be legally justified, within the guidelines of these rules, and reasonable under all circumstances. Firearms may be used only for self-protection while the Tick Inspector is engaged in the performance of official duties as provided in paragraph 3, and only in those situations presenting an immediate danger of death or serious bodily injury to a Tick Inspector. The force used must be only that needed to stop the attack.

B. Warning shots are strictly prohibited.

C. Firing at fleeing vehicles is strictly prohibited.

D. Firing at fleeing persons will not be considered justified, unless the Tick Inspector has reason to believe that the fleeing person presents an immediate danger of death or serious bodily injury to a Tick Inspector.

E. Firearms issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, will not be carried or used by Tick Inspectors when they are in an off-duty status. Nothing in this rule shall be construed as interfering with the rights of an individual to carry a personally owned weapon in an off-duty status in accordance with State or local law.

F. Firearms will not be used to stop or detain persons or in the enforcement of any animal quarantine laws and regulations.

6. Care and Maintenance of Firearms

A. Tick Inspectors who are designated as authorized to carry firearms for self-protection shall be responsible for the care, maintenance, and security of firearms which have been issued to them.

B. The issued firearms shall be maintained so as to be in good working

condition while in the possession of the Tick Inspector to whom it is issued; i.e., the issued firearm shall be kept clean.

C. Any firearm which does not appear to be in proper working order shall be turned in to the Tick Inspector's immediate supervisor for repair. Another firearm shall be issued for use by the Tick Inspector while the repairs are being made.

D. Every effort shall be made to ensure the security of the issued firearm and to prevent its loss or theft at all times, including, but not limited to, while being carried by the inspector or while in this vehicle or trailer or when kept at his domicile.

(1) When the firearm is not carried by the Tick Inspector, it must be kept in a secure place.

(2) The supervisor of the Tick Force shall approve the secured places for keeping of firearms assigned to Tick Inspectors.

7. Care and Use of Ammunition

A. Tick Inspectors shall be responsible for the care and security of issued ammunition and shall be held accountable therefor.

B. Each Tick Inspector shall maintain a record of issued ammunition and its use, loss, or theft on forms issued by USDA. The discharge of any round of ammunition away from an authorized range shall be reported by the Tick Inspector to his/her immediate supervisor as soon as possible.

C. The Tick Inspector's immediate supervisor is responsible for having anyone who discharges any round of ammunition away from an approved range file a written report of such discharge.

D. To assure maximum proficiency of issued ammunition, all ammunition which has been carried in a firearm or in a belt case or loops for 6 months shall be used for target practice at an approved range.

E. Any accident involving the discharge of a firearm because of an attack or fear of an attack shall be immediately reported by telephone or radio to the Tick Inspector's immediate supervisor who in turn shall forward the report to the supervisor of the Tick Force.

F. Only ammunition issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, shall be used in firearms issued under these rules to Tick Inspectors.

G. Ammunition which is not carried by the Tick Inspector on his person must be kept in a secured place. The Tick Inspector's immediate supervisor shall

approve the secured places for keeping the ammunition.

8. Reported Use of Firearm

A. Whenever a Tick Inspector discharges a firearm issued to him/her by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, with the exception of B below, he/she shall immediately report the discharge to his/her immediate supervisor. When the discharge of firearms involves other persons, the report will follow the chain of command to the Deputy Administrator, United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services. The Deputy Administrator will be responsible for ensuring that the appropriate officials are notified as expeditiously as possible.

B. It shall not be necessary to report discharge of firearms during authorized training or during approved practice with the firearm on an approved range.

C. Contents of Report: The report required in A above shall include plans of actions considered prior to discharge of the firearms; what precipitated the incident; the time and place of the incident; the location of any other Tick Inspector involved; any loss or damage of property; a list of witnesses; and a detailed description of the incident.

9. Training and Qualification

Tick Inspectors who have satisfactorily completed the approved firearm training program, as outlined in paragraph 3C, must requalify annually. This annual requalification must be with the specific type of firearm they were issued.

10. Accountability

The supervisor of the Tick Force shall store unissued firearms and ammunition. The Tick Inspectors' immediate supervisor shall maintain a detailed record of the firearms and ammunition issued in his/her supervisory area and to whom they were issued. This information shall also include when the firearm and ammunition were assigned; the serial number, model number, and manufacturer of the firearm. The supervisor of the Tick Force shall maintain detailed records of firearms and ammunition issued to the entire Tick Force. The detailed records of assigned firearms and ammunition must be updated monthly. A copy of such records of the assigned firearms and ammunition and inventory of unassigned firearms and ammunition must be provided to the Area Veterinarian in Charge, the South

Central Regional Director, and the area accountable property officer at the end of each month.

11. Loss of Theft of Firearms and Ammunition

The Tick Inspector shall immediately report the loss or theft of any firearm or ammunition issued under these rules to his/her immediate supervisor. The oral report must be followed by a written report as soon as possible. These reports must be forwarded through the chain of command to the supervisor of the Tick Force, the Area Veterinarian in Charge, the Regional Director, and the Assistant Deputy Administrator. The Area Veterinarian in Charge will ensure that the loss or theft is reported to the National Crime Information Center. He shall also ensure that an appropriate inquiry be made and that a Board of Survey be convened to determine the culpability, if any, for the loss or theft of the issued weapon or ammunition. The loss or theft must be made known to the accountable property officer as soon as circumstances permit after discovery.

Effective date: April 30, 1984.

Dated: April 30, 1984.

D. Lowell Jensen,

Acting Attorney General of the United States.

Dated: April 30, 1984.

Richard E. Lyng,

Acting Secretary of Agriculture of the United States.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Department of Agriculture Programs and Activities Covered Under Executive Order 12372

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: The purpose of this Notice is to inform State and local governments and other interested persons of programs and activities included within the scope of Executive Order 12372, "Intergovernmental Review of Federal Programs." A full understanding of the requirements of the Order may be gained by referring to the final rules published in 7 CFR Part 3015, Subpart V, at 48 FR 29100, published June 24, 1983.

DATE: Effective May 31, 1984.

FOR FURTHER INFORMATION CONTACT:

Ms. Lyn Zimmerman, Supervisory Program Analyst, Office of Finance and Management, USDA, Room 118-W, Administration Building, Washington, D.C. 20250 (telephone 202-382-1553).

SUPPLEMENTARY INFORMATION: The program listed below by the Catalog of

Federal Domestic Assistance Number is included within the scope of Executive Order 12372.

10.568 Temporary Emergency Food Assistance.

States interested in adding this program to their list of programs to be reviewed under Executive Order 12372, should have their Single Point of Contact forward their request to: Office of Finance and Management, Financial Management Division, USDA, Room 118-W, 14th and Independence Avenue SW., Administration Building, Washington, D.C. 20250; Attention: Ms. Lyn Zimmerman.

Dated: May 23, 1984.

Charles L. Grizzle,
Acting Assistant Secretary for Administration.

[FR Doc. 84-14493 Filed 5-30-84; 8:45 am]

BILLING CODE 3410-30-M

CIVIL AERONAUTICS BOARD

[Order 84-5-80]

Fitness Determination of Hub Air Service; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of air carrier fitness determination—order 84-5-80, order to show cause.

SUMMARY: The Board is proposing to find that Hub Air Service is fit, willing and able to provide air service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 13, 1984, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division I, Room 918, Civil Aeronautics Board, Washington, D.C., 20428, and with all persons listed in Appendix D of the order.

FOR FURTHER INFORMATION CONTACT: Arthur Barnes, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5343.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-5-80 is

available from the Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-5-80 to Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 23, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-14562 Filed 5-30-84; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Colorado Advisory Committee; Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Colorado Advisory Committee to the Commission originally scheduled for June 9, 1984, at the Conoco Hotel, Denver, Colorado (FR Doc. 84-13285, May 17, 1984, on page 20889) has been cancelled.

Dated at Washington, D.C., May 25, 1984.

John I. Binkley

Advisory Committee Management Officer.

[FR Doc. 83-14505 Filed 5-30-82; 8:45 am]

BILLING CODE 6335-01-M

Illinois Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 11:00 a.m. and will end at 2:00 p.m., on June 8, 1984, at the Federal Building, Room 3280, 230 South Dearborn, Chicago, Illinois 60604. The purpose of the meeting is to plan new projects and review the Contract Compliance reports.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Mr. Thomas Pugh, at (217) 333-2565 or the Midwestern Regional Office at (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 25, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-14507 Filed 5-30-82; 8:45 am]

BILLING CODE 6335-01-M

Pennsylvania Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania Advisory Committee to the Commission will convene at 11:00 a.m. and will end at 2:00 p.m., on June 13, 1984, at the Federal Building, Court House, Room 804, 228 Walnut Street, Harrisburg, Pennsylvania 17108. The purpose of the meeting is to discuss a proposed project on violence and bigotry, on-going monitoring topics including 1990 Census preparations, and prison reform.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Mr. Joseph Fisher, at (215) 351-0750 or the Mid-Atlantic Regional Office at (202) 254-6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 25, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-14506 Filed 5-30-84; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Princeton University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Docket No. 81-00157. Applicant: Princeton University, Princeton, NJ 08544. Instrument: Millimeter Carcinotron Tube. Manufacturer: Thomson-CSF, France. Intended use: See notice at 49 FR 10324.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the instrument was ordered (October 16, 1979).

Reasons: The foreign article is used as a swept local oscillator operating at a frequency range of 290 to 300 gigahertz